

3/28/88

437

215 APPOINTS POLICE SERGEANTS

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, the Town of Riverhead did request a Certification of Eligibles from the Suffolk County Department of Civil Service with regard to the position of police sergeant, and

WHEREAS, a list of five candidates was received, and

WHEREAS, all candidates were thereafter duly interviewed

NOW, THEREFORE, BE IT RESOLVED, that Robert Pecker and Frederick Foote be and are hereby appointed to the position of Police Sergeant effective March 29, 1988 at the annual rate of compensation as appropriate by contract, and

BE IT FURTHER, that the Town Clerk be and is hereby directed to forward copies of this resolution to Robert Pecker, Frederick Foote, Chief Grattan, and the Office of Accounting.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

216 APPROVES SPECIAL PERMIT OF JOSEPH MANZI, JR.

Councilperson Boschetti offered the following resolution, which was seconded by Councilperson Pike:

WHEREAS, by application dated August 4, 1987, Joseph Manzi, Jr. did apply to this Town Board for a special permit to erect a one-family dwelling on property zoned Business "C" at premises located at Hill Street, Wading River, New York; and

WHEREAS, this matter was referred to the Planning Board for its review and recommendation; and

WHEREAS, by letter dated August 28, 1987, the Planning Board recommended that the special permit of Joseph Manzi, Jr. be approved; and

WHEREAS, on the 22nd of September, 1987, this Town Board held a public hearing wherein all persons wishing to be heard were heard; and

WHEREAS, the Environmental Quality Review Board has determined that the action is a Type II action without significant impact upon the environment; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the special permit applied for will be a Type II action without a significant impact upon the environment pursuant to the State Conservation Environmental Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board determines as follows:

a. The use will not prevent or substantially impair either the reasonable and orderly use or development of other properties in the neighborhood;

b. The hazards or disadvantages to the neighborhood from the location of such use at the property are outweighed by the advantage to be gained either by the neighborhood or the Town;

c. The health, safety, welfare, comfort, convenience and order of the Town will not be adversely affected by the authorized use;

d. Such use will be in harmony with and promote the general purposes and intent;

e. A 1,000-gallon leaching pool shall be installed in the rear yard, and then the rear yard shall be graded to an inlet

above the leaching pool and shall connect the roof leaders to same;

f. Another 1,000-gallon leaching pool is to be installed in the front yard at the low point of the driveway and shall connect to the front roof leader;

g. The site shall be immediately stabilized with topsoil and grass both in the front and rear yards;

h. All roof runoff, and rainwater shall be maintained on the site; and be it further

RESOLVED, that if the above conditions "e" through "h" prove inadequate, additional drainage shall be installed at the owner's own cost and expense; and be it further

RESOLVED, that the premises covered by this special permit shall be maintained in conformity with such plan which may, from time to time, be approved by the Riverhead Town Board; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Joseph Manzi, Jr., the Riverhead Planning Department and the Riverhead Building Department.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

217 APPOINTS FREDERIC C. FOSTER, ESQ. AS HEARING OFFICER

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Lombardi:

RESOLVED, that Frederic C. Foster, Esq., be and is hereby appointed as Hearing Officer with regard to the disciplinary proceeding against Police Officer Frank J. Romaniello; and be it further

RESOLVED, that Frederic C. Foster, Esq., shall be compensated at an hourly rate filed with the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Frederic C. Foster, Esq., 4 Montauk Highway, Westhampton, New York, 11977 and to Police Chief Grattan.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

#218 APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER,
& YAKABOSKI, ESQS. AS SPECIAL COUNSEL RE: WEST LANE PROPERTIES

Councilperson Lombardi offered the following
resolution, which was seconded by Councilperson Civiletti:

RESOLVED, that the law firm of Smith, Finkelstein,
Lundberg, Isler & Yakaboski, Esqs., be and is hereby appointed
Special Counsel to defend the Town of Riverhead in the matter of
West Lane Properties v. Town of Riverhead; and be it further

RESOLVED, that the above law firm shall file with the
Town Clerk their letter of acceptance and hourly rate to be
charged; and be it further

RESOLVED, that the Town Clerk be and is hereby author-
ized to forward a certified copy of this resolution, together
with copies of any and all material regarding the matter of West
Lane Properties v. Town of Riverhead to Smith, Finkelstein,
Lundberg, Isler & Yakaboski, Esqs., 456 Griffing Avenue, P. O.
Box 389, Riverhead, New York, 11901.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes,
Janoski, yes.

The resolutionw sa thereupon duly declared adopted.

3/28/88

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219 AUTHORIZES TOWN CLERK TO PUBLISH & POST NOTICE TO BIDDERS RE:
REHABILITATION OF SIDEWALKS ALONG PULASKI STREET AND NOTICE
TO BIDDERS RE: HORTON AVENUE REGRADING, LANDSCAPING REHABILITATION

Councilperson Boschetti offered the following
resolution which was seconded by Councilperson Lombardi.

RESOLVED, that the Town Clerk be and is hereby authorized to
publish and post the attached Notices to Bidders as legal notices
in the March 31, 1988 issue of the News Review.

Notice is hereby given tht SEALED PROPOSALS for the REHABILITATION
OF SIDEWALKS ALONG PULASKI STREET will be received by the Town of
Riverhead at the Town Clerk's office, Town Hall, 200 Howell Avenue,
Riverhead, New York, until 11:20 A.M. Prevailing Time on Thursday,
April 14, 1988, at which time and place they will be publicly opened
and read aloud for the following contract:

REHABILITATION OF SIDEWALKS
ALONG PULASKI STREET

Plans and Specifications may be obtained at either the Town Clerk's
office or the office of the Consulting Engineers, HOLZMACHER, McLENDON
& MURREL, P.C., 575 Broad Hollow Road, Melville, NY 11747 upon the
deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money
order or postal money order for each set furnished.

Deposits for Plans and Specifications will be refunded to bidders
who return Plans and Specifications within ten (10) days in good condi-
tion; other deposits will either be partially or not refunded if the
Plans and Specifications have not been returned in good conditions with-
in thirty (30) days after bids have been opened.

Each proposal must be accompanied by either a Bid Bond or Certified
Check in the amount of five percent (5%) of the total bid, made payable
to TOWN OF RIVERHEAD, as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, towaive any informa-
lities and to accept the lowest responsible bid, which, in the opinion
of the Town Board, is in the best interest of the Town.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

IRENE J. PENDZICK, TOWN CLERK
TOWN OF RIVERHEAD
RIVERHEAD, NEW YORK

Dated: March 28, 1988



TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Notice is hereby given that SEALED PROPOSALS for the HORTON AVENUE REGRADING/LANDSCAPING REHABILITATION will be received by the Town of Riverhead at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:15 A.M., Prevailing Time on Thursday, April 14, 1988, at which time and place they will be publicly opened and read aloud for the following contract:

HORTON AVE. REGRADING/LANDSCAPING

REHABILITATION

Plans and Specifications may be obtained at either the Town Clerk's office or the office of the Consulting Engineers, HOLZMACHER, McLENDON & MURRELL, P.C., 575 Broad Hollow Road, Melville, NY 11747 upon the deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order for each set furnished.

Deposits for Plans and Specifications will be refunded to bidders who return Plans and Specifications within ten (10) days in good condition; other deposits will either be partially or not refunded if the Plans and Specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by either a Bid Bond or Certified Check in the amount of five percent (5%) of the total bid, made payable to TOWN OF RIVERHEAD, as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities and to accept the lowest responsible bid which, in the opinion of the Town Board, is in the best interest of the Town.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

IRENE J. PENDZICK, TOWN CLERK
TOWN OF RIVERHEAD
RIVERHEAD, NEW YORK

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

DATED: MARCH 28, 1988

220 RESCINDS RESOLUTION #557 ADOPTED AUGUST 4, 1987 AND ISSUES
POSITIVE DECLARATION RE: VALMONT HOMES (MILL POND COMMONS)

Councilperson Pike offered the following
resolution, which was seconded by Councilperson Civiletti:

WHEREAS, August Rosano, et. al., have applied for a permit for the construction of one hundred thirteen (113) condominiums and cluster development with 28 one-bedroom units and 85 two-bedroom units on a 43.1-acre parcel zoned Residence C located on Elton Avenue, Riverhead, New York, more particularly described as SCTM 0600-109-1-p/o 11 and 0600-109-2-1; and

WHEREAS, on the 5th day of February, 1987, the Riverhead Environmental Quality Review Board recommended to the Town Board that the proposed action be classified as a Type I action; and

WHEREAS, the Town Board has, by resolution #162, adopted March 9, 1987, declared itself "Lead Agency" for the purpose of requirements of the New York State Environmental Quality Review Act; and

WHEREAS, by resolution #228 adopted April 21, 1987, the Town Board determined that the application is a Type I action and a scoping hearing was held on the 5th day of May, 1987; and

WHEREAS, based upon a review of the Environmental Assessment Form and the scoping hearing, the Town Board, by resolution #557, adopted on August 4, 1987, determined that the application was an unlisted action and would not have a significant effect upon the environment and a Negative Declaration, Notice of Determination of Non-Significance, with findings, was forwarded to all interested agencies; and

WHEREAS, Louis K. McLean Associates, P.C., prepared an engineering report on January 7, 1988, which raised numerous questions which would be answered by a Draft Environmental Impact Statement (hereinafter referred to as "DEIS"); and

WHEREAS, pursuant to public notice, a public hearing was held before this Board on February 23, 1988, to hear all persons interested in the petition, and said persons were heard; and

WHEREAS, opposition was raised against the petition regarding Resolution #557 adopted August 4, 1987, wherein the Town Board, as Lead Agency, reclassified this action from a Type I Action to an Unlisted Action; and at the discretion of the Town Board, the applicant was not required to prepare and submit a DEIS; and

WHEREAS, at the public hearing, certain questions were raised which would be answered by a DEIS.

NOW, THEREFORE, BE IT

RESOLVED, that this Town Board does make the following findings:

FIRST: This action is an Unlisted Action pursuant to the New York State Environmental Quality Review Act since the proposed action is not listed, excluded or exempt as a Type I or Type II Action, nor as a Type I or Type II Action pursuant to Riverhead Town Code;

SECOND: The proposed action exceeds the threshold set forth in Section 617.11 of SEQRA;

THIRD: The proposed action may result in the following: 617.11(1) - A substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;

617.11(2) - the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse effects on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse effects to natural resources;

617.11(3) - The encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such a place absent the action;

617.11(8) - A substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

617.11(11)(b) - For the purpose of determining whether an action will cause one of the foregoing consequences, the lead agency must consider reasonably related long-term, short-term and cumulative effects, including other simultaneous or subsequent actions which are:

- (1) included in any long-range plan of which the action under consideration is a part;
- (2) likely to be undertaken as a result thereof; or
- (3) dependent thereon;

FOURTH: The Riverhead Town Board considered a proposal to designate Saw Mill River and Creek as a Critical Environmental Area wherein Mill Pond is the largest of the ponds in the system;

FIFTH: A detailed Environmental Impact Statement (hereinafter referred to as "EIS") would address the cumulative impacts of this project with the future development of the northerly thirteen (13) acres, and the cumulative impact of this project with the projects proposed along Saw Mill Creek and surrounding areas;

SIXTH: An EIS would provide an analysis of alternatives to the proposed project;

SEVENTH: An EIS would address the public's concerns of flooding of Saw Mill Brook and adjacent properties;

EIGHTH: An EIS would address issues raised by Louis K. McLean Associates, P.C., in a planning report received by the Planning Board on January 7, 1988, such as ground water quality and the occurrence of threatened or endangered species on the site or adjoining wetlands;

NINTH: The EIS would address the designation of certain units as affordable housing and weigh the benefit derived from affordable housing against the impacts;

TENTH: the EIS would address location of drainage facilities and their impact on wetlands or surface waters;

ELEVENTH: The proposed action is a substantial project consisting of 4.4 acres of freshwater wetlands associated with Saw Mill Brook, Merrits Brook, Saw Mill Pond and small kettlehole depressions in the Southwest corner of the site. The sensitive nature of this site merits the preparation of an impact statement; and be it further

RESOLVED, that Resolution #557, adopted August 4, 1987, be and is hereby rescinded, in part; and be it further

RESOLVED, that the Town Board will remain "Lead Agency" and this action will remain as an Unlisted Action as previously determined, and for reasons set forth herein, it is necessary for the applicant to prepare and submit a DEIS for consideration; and be it further

RESOLVED, that in light of the comments made at the public hearing, the time which has elapsed since the May 5, 1987, scoping hearing, the complexity of the project, the degree of public concern and the significance of the environmental impacts, the Town Clerk is hereby authorized to publish and post a notice of a second scoping hearing on the 12th day of April, 1988, at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all persons wishing to be heard; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish this resolution, in its entirety, in the Riverhead News-Review and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to all interested agencies and persons.

Dated: Riverhead, New York
March 28, 1988.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

221 AWARDS EMERGENCY COMMUNITY DEVELOPMENT HOUSE MOVING

Councilperson Lombardi offered the following resolution which was seconded by Councilperson Civiletti.

WHEREAS, on March 15, 1988, the Town of Riverhead did take title to property on Riverside Drive; and

WHEREAS, the house on the property of Antonino Militello, East Main Street, has been offered at no cost to the Town for rehabilitation; and

WHEREAS, in response to the emergency nature of this project informal bids have been received from Kennally Movers and Davis Brothers out of five bids solicited.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead authorizes the Supervisor to make payment to Davis Brothers to cause the moving and placement of the above described house on property at Riverside Drive, and

BE IT FURTHER, that the Town Attorney be directed to prepare a contract between Davis Brothers and the Community Development Agency which specifically designates all charges.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

222 A RESOLUTION SUPPORTING THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM UTILIZING $\frac{1}{2}$ % SALES TAX EXTENSION FOR THE PURPOSE OF PINE BARRENS ACQUISITION, THE CAPPING AND CLOSING OF LANDFILLS AND OTHER RELATED PURPOSES

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Pike.

WHEREAS, the Suffolk County Legislature approved resolution No. 721 of 1987 establishing the Suffolk County Drinking Water Protection Program (Article XII of the Suffolk County Charter) which outlined a comprehensive watershed protection program for Suffolk County, and

WHEREAS, this program, as introduced by the former County Executive, provided for the utilization of existing sales tax revenues for the purpose of acquisition of identified water recharge areas, water main extensions, sewer district improvements, County tax stabilization, payments in lieu of taxes, and local revenue sharing for related purposes and was approved in a public referendum in November of 1987, and

WHEREAS, the present County Executive has worked with elected officials and environmental leaders in an attempt to further refine this proposal in order to guarantee its success in the State Legislature and to more adequately address the problems relating to landfills, toxic waste sites and the enforcement of environmental laws, and

WHEREAS, the revisions proposed by the County Executive are based upon sound reasoning and, in fact, constitute improvements to the program that will benefit the residents of Suffolk County, and

WHEREAS, these revisions pertain primarily to the restriction of revenue sharing funds and do not substantively change the spirit, intent or purpose of the program as outlined in Resolution No. 721 of 1987 and approved by the voters of Suffolk County, and

WHEREAS, the Suffolk County Supervisors' Association - comprised of five Republicans and five Democrats - have discussed this matter in great detail and has voted unanimously on two occasions to support the plan as revised by the County Executive.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead gives its full and enthusiastic support to this important program and urges the County Legislature and all municipalities in Suffolk County to do the same, and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to the following: All members of the Suffolk County Legislature, County Executive Patrick Halpin, All Members of the Suffolk Delegation to the State Legislature, Assemblyman Melvin Miller, Assemblyman Maurice Hinchey, State Senatore Warren Anderson, and Governor Mario Cuomo.

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, absent, Janoski, yes.

The resolution was thereupon duly declared adopted.

3/28/88

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#223 AUTHORIZES THE SUPERVISOR TO SEND A MAILGRAM TO THE SUFFOLK COUNTY DELEGATION TO THE NEW YORK STATE LEGISLATURE IN SUPPORT OF SENATE BILL #1575B "RURAL FARMLAND OVERBURDEN BILL"

Councilperson Pike offered the following resolution which was seconded by Councilperson Boschetti.

RESOLVED that the Town Supervisor is hereby authorized to forward a mailgram to the Suffolk County Delegation for the New York State Legislature supporting Senate Bill #1575B "Rural Farmland Overburden Bill".

The vote, Boschetti, yes, Pike, yes, Civiletti, yes, Lombardi, absent, Janoski, yes.

The resolution was thereupon duly declared adopted.